

# Committee of Thirteen Report

December 12, 2006

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, December 12, 2006 at 5:00 P.M. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

10 JPs Present: Harrison, Harrison, Hill, Moore, Schindler, Sheridan, Summers, Tharp, Wolf, Wozniak

3 Absent: Adams, Sampier, Stephenson

Others Present: County Judge Gary Black, Travis Harp

Media: Jennifer Turner – Daily Record, Scarlet Simms – Morning News,

JP Tim Summers called the meeting to order at 5:00 p.m.

## **PUBLIC COMMENTS:**

Don Day stated that some citizens think that the proposed Nuisance Ordinance is a nuisance. He said his group answered the challenge issued by JP Wozniak to come up with an alternative instead of just speaking out against the one proposed. He stated that they had not included the 10-acre exemption, but that County Attorney Ed Gartin has explained that it is a state law which must be included, and quoted Arkansas Code Annotated 2-4-107 which suggests that appeal boards be made up of 5 members appointed from the citizens. He said their version did not include the enumerations of possible hazards, and believes they will become a bother to Environmental Services Director Jim Ecker. He said he plans to comment on these matters at the Public Hearing conducted by the Planning Board.

Bob Kossieck stated that he is concerned that Environmental Enforcement officers are carrying guns, and the practice is discouraged in the state statutes. He said if it is necessary for the Code Enforcement Officers to carry guns, then there are others who should be armed, such as meter readers. He said he believes this is overkill, and they should seriously consider revoking this.

## **NEW BUSINESS:**

### **1. Resolution Request – Salary Range Waiver – GIS Coordinator**

JP Summers stated that the policy waiver has been through the Personnel Committee, and is for the purpose of keeping the person who is currently in the position of GIS Coordinator in the Information Systems Department. JP Tharp made motion to forward the Resolution request to the December 28, 2006 Quorum Court meeting, seconded by JP Hill. JP Sheridan stated that the Personnel Committee has recommended the waiver. JP Summers stated that Comptroller Richard McComas has informed him that there will be no impact on the 2006 Budget, and that the

Information Systems Department will adjust their 2007 Budget to allow for the increase. JP Moore asked what the salary range is currently, and where the person falls within the range. JP Summers stated that they will get that information from the Personnel Department prior to the Quorum Court meeting. Motion passed by unanimous show of hands vote.

## **2. Ordinance Request – Proposed Nuisance Abatement Ordinance**

JP Wozniak stated that they would like to forward the proposed Nuisance Abatement Ordinance to the Planning Board for Public Hearing. He said if it is not changed in the Planning Board, they would like to send it to the Quorum Court. JP Summers stated that he would like for all of the Justices of the Peace to attend the Public Hearing. County Attorney Ed Gartin stated that since it is a land use ordinance, state law requires that the Public Hearing be conducted by the Planning Board, and that notice be published in the paper. He said that the Planning Board will make a report back to this committee, who will either accept or reject the report. He said that the Planning Board may not make any changes, only the Quorum Court may make changes. He said if the Quorum Court does make changes, it will have to go back for another Public Hearing, so he advised the Environmental Committee that the Committee of Thirteen should be comfortable with the ordinance before sending it to the Planning Board, so that if there are no changes, it can go to the Quorum Court and either be passed or defeated.

JP Tharp stated that this has been in the works a long time, and it needs to be dealt with, but he thinks that perhaps they should delay sending it to the Planning Board until next month so that the new members of the Quorum Court will have the opportunity to become familiar with it. JP Sheridan stated that the Planning Board will not meet until the 3<sup>rd</sup> week in January, and the new JPs will have ample time to study in before then. He added that if they wait until January to send it to Planning Board, it would not go to the Quorum Court until February. JP Schindler stated that in addition, it will have three separate readings, so there will be ample time for comment and discussion.

JP Wolf made motion to forward the proposed Nuisance Ordinance to the Planning Board, seconded by JP Sheridan. JP Allen expressed concern about the junked cars which are referenced in Paragraph “v” on Page 3, and asked if it would affect people who restore antique cars and may have several in their yard at once. JP Moore stated that the Junkyard Ordinance would require the area to be screened if they are operating a salvage yard. County Attorney Ed Gartin stated that any potential nuisance will still have to qualify as a threat to the public health, safety or welfare before any action can be taken. JP Allen stated that he is concerned that if the criterion is that someone could be harmed by it, then a junked car might qualify because someone could get in one illegally and be injured. County Attorney Ed Gartin stated that he did not think it would qualify under those circumstances.

JP Moore stated that they could go ahead and send the ordinance to the Planning Board, and get the material to the new JPs at the Organizational Meeting in January, and that would give them ample time to study it before the January Quorum Court meeting. JP Wozniak stated that if someone could prove that they are actually working on a vehicle, and it is not just sitting there rotting and falling apart, the Environmental Enforcement Officers will use common sense. He added that if they want to start grasping at straws, they can find something wrong with every line of the ordinance. JP Allen stated that he is in favor of the ordinance; he just wants to make sure that all of the questions have been asked and answered.

Motion passed by unanimous show of hands vote.

**OTHER BUSINESS:**

JP Summers introduced Scarlet Sims who is the new County Reporter for the Morning News.

JP Tom Allen was presented a plaque in appreciation for his service to Benton County as Justice of the Peace. JP Allen stated that they have been a good Court and accomplished some good things and wished everyone the best.

**ANNOUNCEMENTS:**

JP Summers stated that the new Justices of the Peace will be meeting on Tuesday, December 19, 2006 at 3:00 p.m. to review the budget, and everyone is invited to attend. He stated that it is an informal meeting, and will not be a paid meeting.

JP Summers stated that Elected Officials and Department Heads are invited to meet with the new members of the Quorum Court in order to give a brief introduction of their offices on Thursday, December 28, 2006 at 3:00 p.m.

JP Summers announced that the final Quorum Court meeting of 2006 will be December 28 at 5:00 p.m.

JP Summers addressed JP Wozniak, and said they appreciate all of the work that he and the Environmental Committee have put in on the Nuisance Abatement Ordinance.

The meeting was adjourned at 5:35 p.m.